

10-1-1. ENT - ENTERTAINMENT DISTRICT OVERLAY ZONE

Purpose

The overlay zone is intended to supplement development standards in areas that deserve specific design guidance because of their historic character, prominent location in the City, environmental conditions or other characteristics that set the area apart from other areas of the City. Property located within an Overlay Zone is identified on the City zoning map by both the underlying zoning district and the Entertainment District overlay. The Entertainment District is designed to foster a setting for economic growth and development in a sustainable mixed-use pattern of diverse businesses, integrating residential with employment and commercial uses (as well as recreational opportunities).

The Code shall be applied to new developments, infill development, and re-development in the designated area both in order to achieve the vision set forth by the City of Sunland Park and to provide a mechanism for implementing the following specific goals:

1. Capitalize on public investment in existing infrastructure.
2. Promote compact, mixed-use development at moderate to high densities.
3. Ensure transit-supportive and transit-serviceable development.
4. Require pedestrian-oriented and transit-oriented design.
5. Ensure a complementary relationship with surrounding neighborhoods.



Sunland Park prepared a Community Master Plan in 2018, which outlines goals for managing land, growth, resources and infrastructure. The plan established a Downtown District that was centered around Sunland Park Drive. A key goal was to provide safe and adequate transportation for all users; including bicyclist, pedestrians and transit riders. The overall vision for this area includes signature shopping, employment, dining, entertainment and recreation within a dense walkable environment. Discussions with stakeholders in the area shared an interest to see this area develop as the entertainment center for Sunland Park. This effort would build upon existing activity and draw upon businesses south of the Rio Grande where land uses can begin to work in conjunction with one another, creating a larger district where people can live, work and play. Conceptual sketches were also provided for a Downtown District Plan north of the Rio Grande. As shown in Figures 1 and 2. The plan utilizes building setbacks that brings retail activity to the street front and places parking at the rear of buildings, which encourages a walkable environment. A strategic combination of land use and site planning regulations would allow developments along the corridor to be built in accordance with this vision.

The creation of pedestrian-oriented development is dependent on three factors: density, diversity of uses, and design. This overlay district places an emphasis on the third element (design, or physical form) because it is of greatest importance when creating the places that attract jobs and economic vitality. Density and uses can be expected to change over time as the area grows and matures.

Figure 3 illustrates this vision as depicted in the Downtown District from the Border Crossing Master Plan in 2007. Overlay Zones supplement, but do not replace, the underlying base zoning districts and applicable to the property. In the case of a conflict between the provisions of a base zone district and the provisions of an Overlay Zone, the provisions of the Overlay Zone shall prevail.

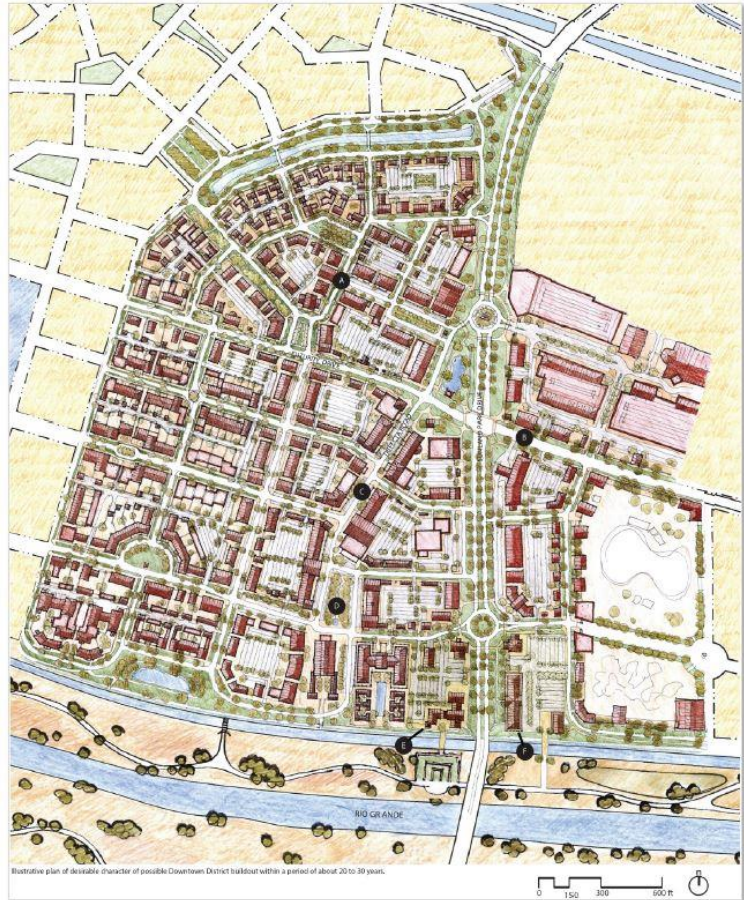


Figure 3: Downtown District - Border Crossing Master Plan, 2007

Additional regulations regarding streets, public spaces and design aesthetics surrounding the property are found in the Zoning Ordinance and Aesthetic Design Standards:

- Zoning Ordinance – Chapter 3. Administration, Application Process & Appeals for information on the process.
- Zoning Ordinance – Chapter 8. Supplementary District Regulations including access, roofs and nuisance.
- Zoning Ordinance - Chapter 11. Parking and Loading Standards.
- Aesthetic Design Standards - materials, configurations and techniques for the architectural elements of the building and lot.

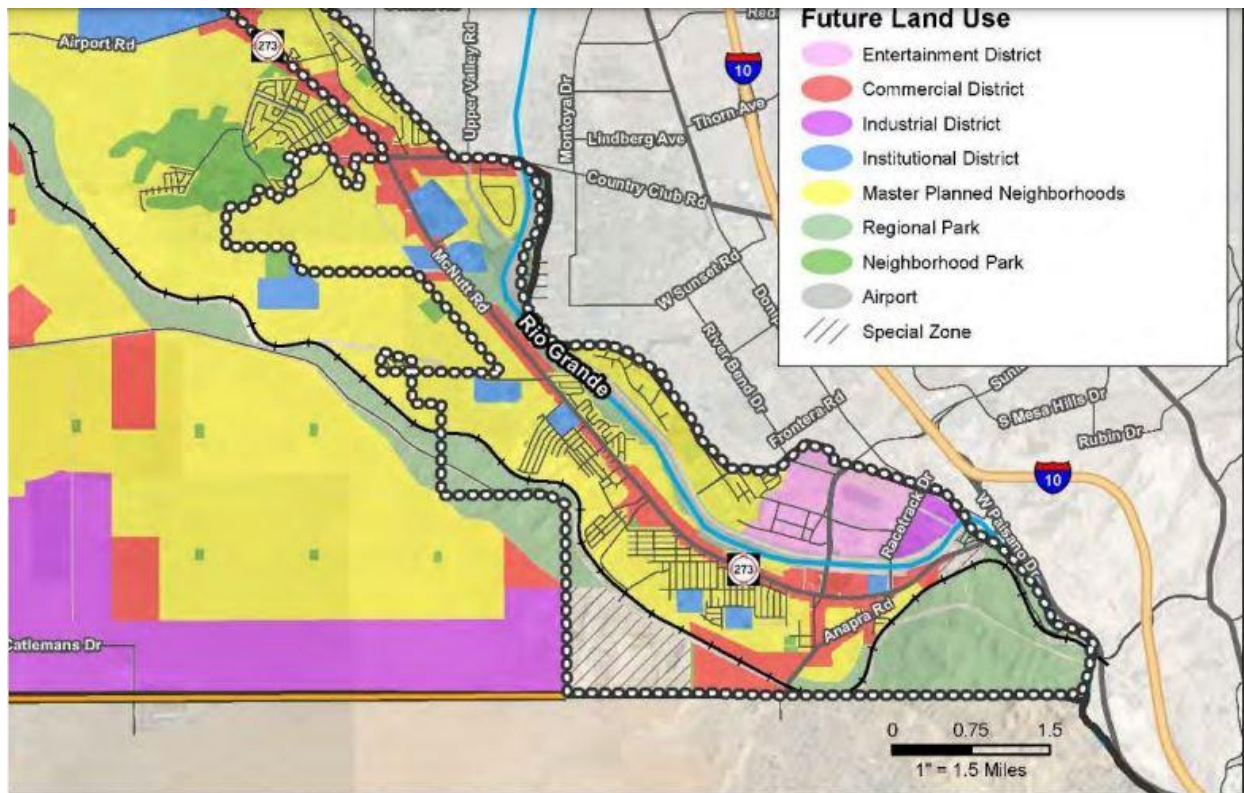
I have a use, building or site that is nonconforming:

Existing uses, buildings and sites that met the rules when they were constructed, but do not comply with this development code are considered nonconforming. These properties development standards and uses are allowed to continue operation for an amortization period of **2 years**. After this time, the property will need to be brought up to the standards of this section and ensure that all land uses are in conformance with what is allowed within the Entertainment District.

General Requirements to Establish the Overlay Zone

A proposed Overlay Zone shall conform to the process detailed in Chapter 7 of the Zoning Ordinance for

establishing an Overlay Zone. The Entertainment District was conceptualized in the City of Sunland Park's Comprehensive Plan, and shown in the figure below. The area within an Entertainment District Overlay Zone is roughly 534 acres and consisting of 120 parcels as specified by the Comprehensive Plan.



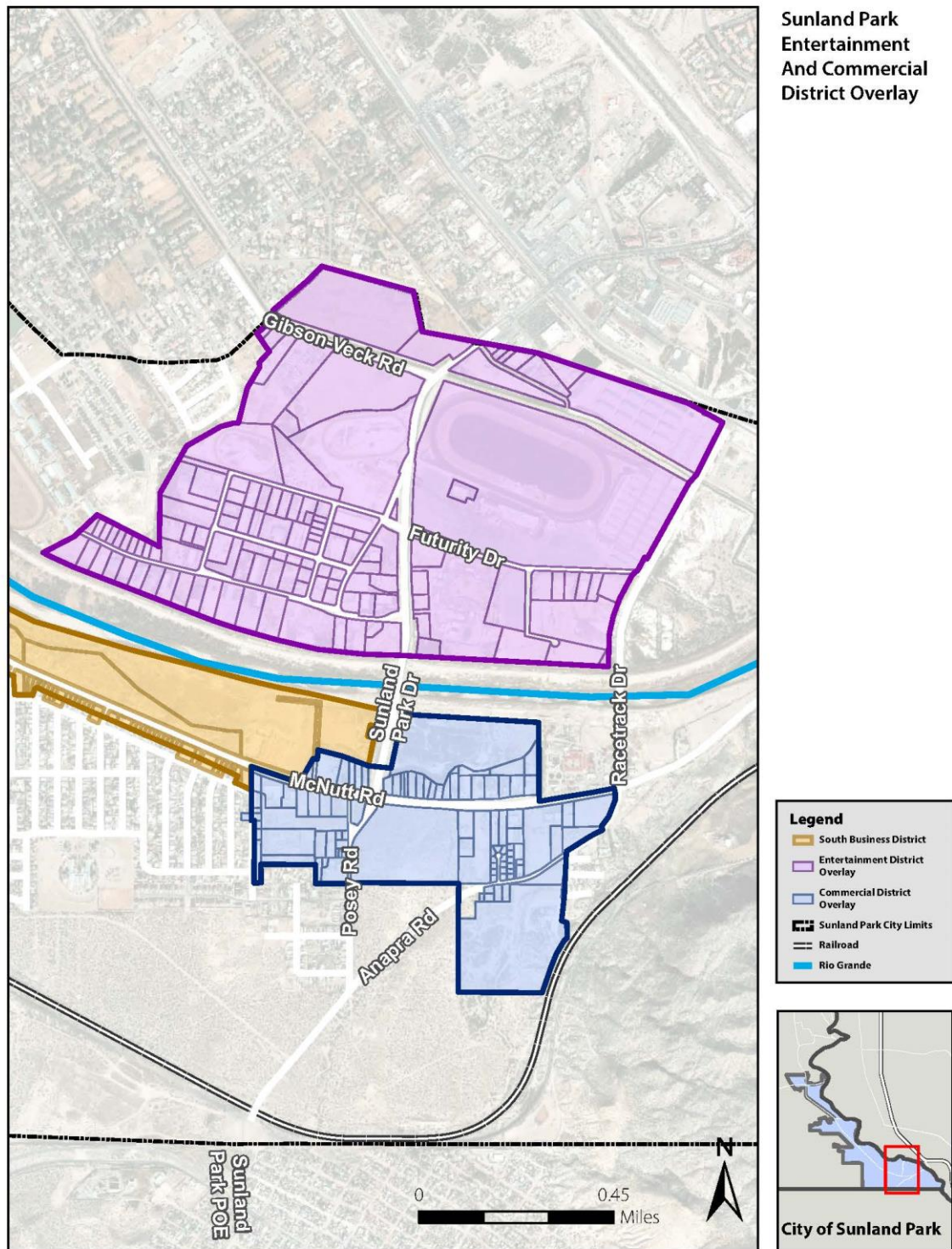


Figure 1: Entertainment District Overlay Zone

1. Overlay Zone contents:

A proposed Entertainment District Overlay Zone includes the following:

a. To create a thriving district in the City of Sunland Park with distinctive characteristics to encourage vibrance in the public realm and bring activity to the street and sidewalk. These guidelines are put in place to preserve and maintain the districts sense of place. The Entertainment District is also intended to allow cannabis operations as approved by House Bill 2, the Cannabis Regulation Act, signed by Governor Michelle Lujan Grisham on April 12, 2021 for recreational use. The first licensed sales are to occur by April 1, 2022. **Distance between Cannabis operations.*

b. The proposed boundary of the Entertainment District Overlay Zone is provided in figure above, *(legal description needed)* and shall include all of the properties within the boundary.

c. Regulations: Regulations for the Overlay Zone may include specific guidance in addition to the regulations of the underlying district for any of the following:

- Permitted uses, in addition to the underlying district.
- Development standards.
- Site design standards
- Building design standards
- Additional design guidance can be found in the Aesthetic Design Standards and includes regulations on materials, building form, architectural details, landscaping, signage and lighting.

Allowable Uses Through a Special Use Permit

No building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, moved or altered, except for one or more of the following uses with the approval of the Planning & Zoning Commission and City Council through a Special Use Permit:

1. Auditoriums.
2. Arenas.
3. Communication Facilities.
4. Antennas mounted on existing buildings and water towers.
5. Conference facilities.
6. Casinos and gambling.
7. Amusement parks.
8. Miniature golf.
9. Museum.
10. Restaurants and bars.
11. Retail.
12. Recreational and medical cannabis.
13. Convention centers.
14. Breweries and micro-breweries.
15. Wineries.
16. Hotels and lodging.
17. Sports or recreational facilities of all types.
18. Accessory residential units.

Regulations

Such regulations shall be as specific as possible so that developers and designers will have a clear

indication as to what development designs are acceptable. The regulations of the Overlay Zone will address specific design criteria. Total design control of development is not intended. The intent of the overlay zone is primarily focused on land use with an emphasis on high quality architectural design and increased site design.

10-1-2 ENTERTAINMENT DISTRICT DEVELOPMENT (PERFORMANCE STANDARDS)

Purpose

The purpose of this zone is to provide for entertainment uses in a planned, mixed-use development on larger tracts of land. The establishment of this zone shall conform to the map amendment process detailed in Chapter 3 of the Sunland Park Zoning Ordinance.

A site plan for new developments, additions and alterations is required. The site plan shall show:

- proposed uses
- building locations
- building setbacks and heights
- architectural materials
- access to site
- internal traffic circulation
- parking
- pedestrian accommodations
- landscaping
- walls and fences
- sign locations
- lighting

District Specific Standards

The site plan shall set development standards that shape the built environment within the overlay district. As an Entertainment District, the intent is to create a more dense and vibrant community with multiple uses and building placement closer to the back of curb. This will help bring the activity to the street, increasing the feeling of an active public realm. The increased design aesthetics will play a pivotal role in creating a high-quality sense of place for residents and visitors. In addition, the Entertainment District proposes high standards of design for buildings, infrastructure, and landscaping as well as guarantees a high degree of pedestrian and vehicular connectivity through use of the Aesthetic Design Standards. Streets and squares feel enclosed by buildings located close to the street. Streets will be utilized for on-street parking but will be designed to allow for slow speeds. This District is not intended for the sole use of residential development.

1. Existing industrial uses will be allowed to continue with an amortization period of **2 years**. New industrial uses are not allowed under this designation.
2. **Cannabis operations are to be limited by the total number of businesses per shopping development or multiple-tenant space. A ratio of 60/40 is not to be exceeded, where Cannabis operations should not exceed 40% of the leasable tenant space.**

Development Standards

Development standards, including but not limited to minimum lot size, building height and setbacks for the respective commercial zones are provided in this section. The following regulations shall apply to the Entertainment Overlay zone unless modified by the city council or planning and zoning commission

- A. Lot Size, Minimum. The minimum lot size for the Entertainment Zone is 5,000 square feet. This is designed to accommodate 3 story mixed-use structures with 2 floors of minimum 500 SF apartment units that are able to provide on-street parking. Should parking need to be handled on-site, either the lot size increases, or the number of units decreases to meet this demand. The city council may allow density averaging in order to maximize the amount of open space provided. An increase in density application would need to include the addition of passive or

active open space. Mixed-use developments that include residential units above first floor commercial, the requested average number of units shall not exceed two (2) per 1,000 square feet with a min, and must be consistent with the master plan land use designation.

- B. Lot Width, Minimum. Lot size, including width and dimension shall be included in the site plan and shall be compatible with surrounding established neighborhoods and able to accommodate the setback, open space, and all other relevant requirements of the district.
- C. Front Yard Setback. A front yard set of zero feet (0') in the Entertainment District will help bring activity to the public realm and provide street enclosure for passing vehicles narrowing their field of vision and resulting in slower speeds. All setback lines shall be measured between the nearest points between any building façade and the nearest property line or right-of-way. Outdoor patios at the front yard setback must be designed in a way to structurally be a part of the building and provide the zero setback. Open air patios with no structures and light fencing do not meet this requirement. A front yard setback of zero feet (0') is also intended to ensure parking is located at the rear of the building, allowing for a more-dense and lively streetscape. [Optional: Front yard setback above the first floor of development shall be five feet \(5'\) to ensure patios and balconies for residential units in a mixed-use building. The presence of patrons, residents and visitors provides 'eyes on the street' and increases the feeling of safety and accountability, as well as adds life to a district.](#)
- D. Side Yard Setback. The minimum setback for side yards not facing a public street shall be 15'. This design will accommodate growth in the area as common driveways to shared rear parking lots are utilized.
- E. Side Yard Setback, Corner Lot. For corner lots, where common access will not be necessary, a setback of five feet (5') shall be provided to contribute to the dense built environment. This also provides an opportunity to; include additional greenspace as the front yard setback is at the back of sidewalk and provide hierarchy within the street network. Additional greenspace requirements for properties in the Entertainment District apply to all front, side and rear yards, which are found in ADS 14.
- F. Rear Yard Setback, Minimum. Minimum setback from a rear lot line of fifteen feet (15') for primary and accessory structures provides a similar opportunity for an alleyway access drive to serve rear parking throughout the area.
- G. Building Height Requirements. The maximum height in this district shall be thirty-five feet (35'). This design accommodates three-story mixed-use developments with retail or restaurant space on the first floor that requires ceiling or utility space greater than 10'. The height maximum is intended to serve the usable space of a building, and therefore shall not include any necessary rooftop screening structures. It is encouraged that the building cornice be designed and utilized in a way to provide screening of rooftop units. For Mixed-Use and Retail structures, no more than three (3) stories shall be permitted. The maximum height of accessory structures shall be fifteen feet (15').

Table 1: Development Standards Table

Entertainment District Overlay Zone (ENT) Dimensional Standards Summary			Other Applicable Aesthetic Design Standards (ADS)	
Lot Standards		Overlay Zone	Four-Sided Design	ADS 5
A	Lot size, minimum	5,000 SF	Signage & Design Elements	ADS 6
B	Lot width, minimum	75'	Building Materials	ADS 7
Setback Standards			Building Modulation & Articulation	ADS 8
C	Front, minimum General	0'	Gutters & Downspouts	ADS 9
D	Side, minimum General	15'	Windows	ADS 10
E	Side, minimum Corner Lot	5'	Glazing	ADS 11
F	Rear, minimum	15'	Awnings	ADS 12
Building Height			Lighting	ADS 13
G	Building height, max (min)	35' (20')	Landscaping	ADS 14

Figures 3 and 4 illustrate some of these development standards, with the addition of the Aesthetic Design Standards which apply to the Entertainment District Overlay Zone.



Figure 2: Application of Development Standards 1

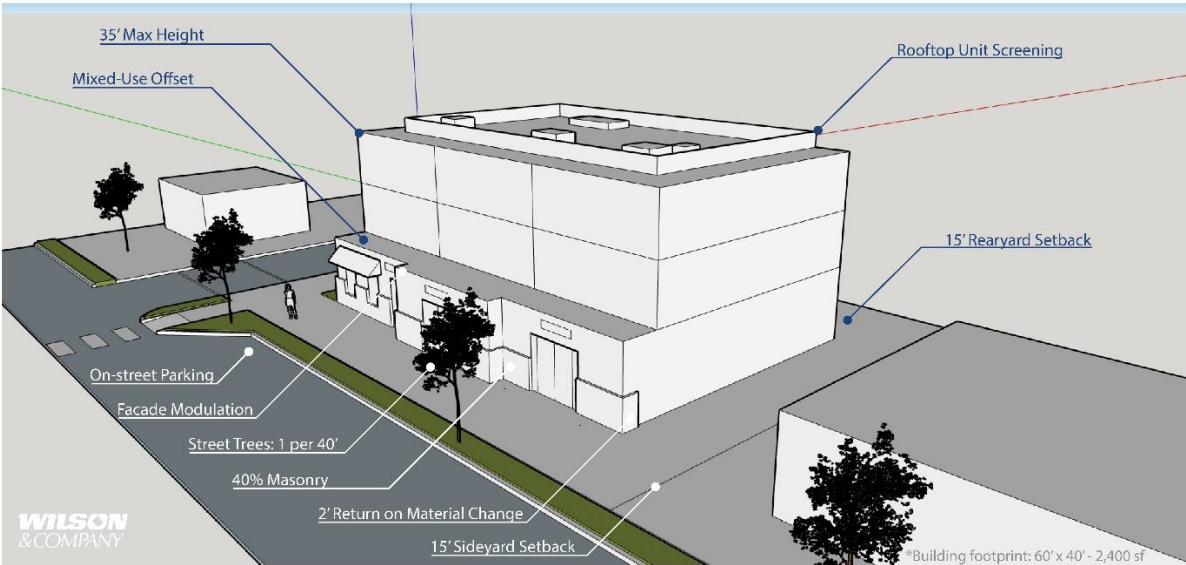


Figure 3: Application of Development Standards 2

Parking Requirements

To avoid excessive parking areas, standards for mixed-use developments should encourage low parking minimums and allow developments that combine different uses on the same block to reduce those required minimums. It is the intent of an entertainment district as a whole to utilize shared parking, where visitors are able to ‘park once’ and visit multiple businesses. [The following parking minimums listed below shall apply to each development, and where on-street, public or shared parking is within one hundred feet \(100’\).](#) The site development plan and permit that utilizes on-street parking shall provide curb-and-gutter with bump-outs to enclose parking from the travel lanes as well as necessary sidewalk connections with ADA accessibility and marked crossings.

1. Residential: 1 space per dwelling unit
2. Retail/Commercial: 3 spaces per 1,000 square feet
3. Restaurant: 1 space per 1,000 square feet of common area and 1 space per 3 seats based on occupant load or dining layout.